

**House File 2333 - Introduced**

HOUSE FILE 2333  
BY FORD

**A BILL FOR**

1 An Act modifying the criminal offense of enticing or attempting  
2 to entice a minor and providing penalties.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 710.10, Code 2009, is amended to read as  
2 follows:

3 **710.10 Enticing away a minor.**

4 1. A person commits a class "C" felony when, without  
5 authority and with the intent to commit sexual abuse or sexual  
6 exploitation upon a minor under the age of thirteen, the person  
7 entices away or attempts to entice the minor under the age  
8 of thirteen, or entices away or attempts to entice a person  
9 reasonably believed to be under the age of thirteen.

10 2. A person commits a class "D" felony when, without  
11 authority and with the intent to commit an illegal act upon  
12 a minor under the age of sixteen, the person entices away or  
13 attempts to entice a minor under the age of sixteen, or entices  
14 away or attempts to entice a person reasonably believed to be  
15 under the age of sixteen.

16 ~~3. A person commits an aggravated misdemeanor when, without~~  
17 ~~authority and with the intent to commit an illegal act upon a~~  
18 ~~minor under the age of sixteen, the person attempts to entice~~  
19 ~~away a minor under the age of sixteen, or attempts to entice~~  
20 ~~away a person reasonably believed to be under the age of~~  
21 ~~sixteen.~~

22 ~~4. A person's intent to commit a violation of this~~  
23 ~~section may be inferred when the person is not known to the~~  
24 ~~person being enticed away and the person does not have the~~  
25 ~~permission of the parent, guardian, or custodian to contact the~~  
26 ~~person being enticed away.~~

27 3. A person shall not be convicted of a violation of this  
28 section unless the person commits an overt act evidencing a  
29 purpose to entice.

30 ~~5.~~ 4. For purposes of determining jurisdiction under  
31 section 803.1, an offense is considered committed in this state  
32 if the communication to entice away or attempt to entice a  
33 minor or a person believed to be a minor who is present in this  
34 state originates from another state, or the communication to  
35 entice away or attempt to entice a minor or a person believed

1 to be a minor is sent from this state.

2 EXPLANATION

3 This bill relates to the criminal offense of enticing a  
4 minor.

5 The bill renames the criminal offense of enticing away  
6 a minor to enticing a minor, and eliminates the provisions  
7 related to enticing "away" a minor.

8 The bill changes the criminal penalty for attempting to  
9 entice a minor under the age of 13 or a person reasonably  
10 believed to be under the age of 13, without authority, and  
11 with the intent to commit sexual abuse or sexual exploitation.  
12 Under the bill, the criminal penalty is changed from an  
13 aggravated misdemeanor to a class "C" felony.

14 The bill also changes the criminal penalty for attempting  
15 to entice a minor under the age of 16 or a person reasonably  
16 believed to be under the age of 16, without authority, and  
17 with the intent to commit an illegal act. Under the bill, the  
18 criminal penalty is changed from an aggravated misdemeanor to a  
19 class "D" felony.

20 The bill specifies that a person shall not be convicted of a  
21 violation of enticing a minor or an attempt to entice a minor  
22 unless the person commits an overt act evidencing a purpose to  
23 entice.

24 Under current law and the bill, a person who commits enticing  
25 or attempting to entice a minor is subject to an additional  
26 special sentence pursuant to Code chapter 903B and shall  
27 register as a sex offender for 10 years plus the length of any  
28 special sentence.

29 The amendments in the bill are in response to State v.  
30 Hansen, 750 N.W.2d 111 (Iowa 2008) and State v. Quinn, 691  
31 N.W.2d 403 (Iowa 2005).